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6 The Honorable Judge Ricardo S. Martinez
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC, SECOND
AMENDMENT FOUNDATION, INC.,
ADRIAN J. COOMBES, ROELOF
KROES, PHILIP GRADY,

NO. C08-1613

ANSWER OF RESPONDENT
ELIZABETH A. LUCE,
DIRECTOR, DEPARTMENT OF
LICENSING

Plaintiffs,

v.

STATE OF WASHINGTON c/o
Attorney General, LIZ LUCE,
DIRECTOR Department of Licensing
State of Washington, PAUL D. AYERS,
CHIEF OF POLICE, Issaquah Police
Department,

Defendants.

In answer to the Plaintiffs' Complaint, Defendant Elizabeth A. Luce, Director, Department of Licensing (hereafter Defendant), by and through her attorneys, Robert M. McKenna, Attorney General, and Jerald R. Anderson, Senior Counsel, and Toni M. Hood, Assistant Attorney General, admits, denies, and alleges as follows:

I.

Paragraph 1 alleges a legal conclusion which the Defendant is not required to answer.

II.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 2 through 6 and therefore denies them.

III.

In answer to paragraph 7, the Defendant admits that Washington is a state whose seat of government is located in Olympia, Washington.

IV.

In answer to paragraph 8, the Defendant admits that she is the Director of Department of Licensing, a state agency which is headquartered in Olympia, Washington. The remaining allegations of paragraph 8 allege legal conclusions which the Defendant is not required to answer.

V.

In answer to the allegations of paragraph 9, the Defendant is without knowledge sufficient to form a belief as to the truth of the allegations and accordingly, denies them.

VI.

Paragraphs 10 through 14 contain allegations of law and contain no factual pleading that requires answer.

VII.

In answer to the allegations of paragraph 15, the Defendant admits that Plaintiff Coombs was issued an alien firearms license in 1999 and that it expires on February 19, 2009. The Defendant is without knowledge sufficient to form a belief as to the truth of the remaining allegations of paragraph 15 and accordingly, denies them.

VIII.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 16 and therefore denies them.

IX.

In answer to paragraph 17, the Defendant admits that Plaintiff Kroes was issued an alien firearms license in 2005 and that it expires on October 14, 2010. The Defendant is without knowledge sufficient to form a belief as to the truth of the remaining allegations of paragraph 17 and therefore denies them.

X.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 18 and therefore denies them.

XI.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 19 and therefore denies them.

XII.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 20 and 21 and therefore denies them.

XIII.

The Defendant admits the allegations of paragraphs 22 and 23.

XIV.

Paragraph 24 alleges a legal conclusion which the Defendant is not required to answer.

To the extent that it is considered to contain factual allegations, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 20 and 21 and therefore denies them.

XV.

The Defendant answers paragraph 25 in the same way as she answered paragraphs 1 through 24.

XVI.

Paragraph 26 contains allegations of law and contains no factual pleading that requires answer.

XVII.

Paragraph 27 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XVIII.

Paragraph 28 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XIX.

The Defendant answers paragraph 29 in the same way as she answered paragraphs 1 through 28.

XX.

Paragraph 30 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XXI.

In response to paragraph 31, the Defendant denies that she has refused to issue an alien firearms license to Plaintiffs Coombs and Kroes; at the present time they are each in possession of an alien firearms license. In the case of Plaintiff Kroes, the license does not expire for approximately twenty-two months. With respect to the allegation that she has refused to issue an alien firearms license to Plaintiff Grady, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matter asserted and therefore denies them. The remainder of paragraph 31 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XXII.

Paragraph 32 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XXIII.

The Defendant answers paragraph 33 in the same way as she answered paragraphs 1 through 32.

XXIV.

Paragraph 34 contains allegations of law and contains no factual pleading that requires answer.

XXV.

As to the allegation of paragraph 35 that the Plaintiffs are lawfully admitted aliens, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted and therefore denies them. The remainder of paragraph 35 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XXVI.

Paragraph 36 contains allegations of law and contains no factual pleading that requires answer.

xxvii.

In response to paragraph 37, the Defendant denies that she has refused to issue an alien firearms license to Plaintiffs Coombs and Kroes; at the present time they are each in possession of an alien firearms license. In the case of Plaintiff Kroes, the license does not expire for approximately twenty-two months. With respect to the allegation that she has refused to issue an alien firearms license to Plaintiff Grady, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matter asserted and therefore denies it. Likewise, with respect to the allegation concerning Defendant Ayers, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matter asserted and therefore denies it. The remainder of paragraph 37 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

XXVIII.

Paragraph 38 contains allegations of law and contains no factual pleading that requires answer.

By way of further answer and affirmative defense, the Defendants allege as follows:

- (1) The Complaint fails to state a claim upon which relief can be granted;
- (2) The Court lacks subject matter and/or personal jurisdiction;
- (3) This matter is not subject to declaratory subject because it does not present an actual or justiciable controversy; and
- (4) The Plaintiffs lack standing.

Having answered the Plaintiffs' Complaint and asserted her affirmative defenses, the Defendant request that this action be dismissed with prejudice.

DATED this 26 day of November, 2008.

ROBERT M. MCKENNA
Attorney General

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PROOF OF SERVICE

I hereby certify that on November 26, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 26th day of November, 2008, at Olympia, Washington.

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